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SourceAmerica

15
16 UNITED STATES DISTRICT COURT
17 SOUTHERN DISTRICT OF CALIFORNIA
18

19 BONA FIDE CONGLOMERATE,
20 INC.,

21 Plaintiff,

22 v.
23

24 SOURCEAMERICA, et al.,

25 Defendants.

26 AND RELATED COUNTERCLAIMS
27
28

Case No.: 14cv0751 GPC (AGS)

**JOINT MOTION TO CONTINUE
DEADLINE FOR
DEFENDANT/COUNTERCLAIMANT
SOURCEAMERICA TO FILE A
MOTION TO COMPEL**

1 Pursuant to Magistrate Judge Andrew G. Schopler's Chambers Rules, Rule
2 C.2, Defendant/Counterclaimant SourceAmerica ("SourceAmerica"),
3 Plaintiff/Counterdefendant Bona Fide Conglomerate, Inc. ("Bona Fide"), and
4 Counterdefendant Ruben Lopez ("Lopez") hereby submit this Joint Motion to
5 continue the deadline for SourceAmerica to file a motion to compel further
6 production of documents.

7 **I. PROCEDURAL HISTORY**

8 On April 14, 2017, Magistrate Judge Andrew G. Schopler issued a
9 Protective Order (Dkt. 396). Once the Protective Order was in place, the parties
10 commenced producing documents identified in their Rule 26(a)(1) disclosures and
11 documents responsive to each other's requests for production of documents.
12 (Declaration of Matthew P. Nugent ("Nugent Decl."), ¶ 2). To date,
13 SourceAmerica has produced approximately 57,000 pages of documents. (Nugent
14 Decl., ¶ 2). On May 5, 2017, Plaintiff/Counterdefendant Bona Fide Conglomerate,
15 Inc. ("Bona Fide") and Counterdefendant Ruben Lopez ("Lopez") produced a first
16 set of document production and thereafter, on May 15, 2017, produced additional
17 documents, for a total of approximately 12,000 pages of documents. (Nugent
18 Decl., ¶ 3)

19 Following its receipt and review of Bona Fide and Lopez's document
20 productions, SourceAmerica has identified 51 requests for production to Bona Fide
21 and Lopez in response to which it believes Bona Fide and Lopez have not
22 produced any documents to date, despite having agreed to do so. (*Id.*, ¶ 4)
23 Further, with respect to numerous other requests, SourceAmerica is unable to
24 determine whether Bona Fide and Lopez have produced all responsive documents
25 they have agreed to produce. (*Id.*)

26 While Bona Fide and Lopez do not concede that their document production
27 is incomplete, Bona Fide and Lopez have agreed to review the 51 requests at issue;
28 to produce any remaining documents responsive to the 51 requests in their

possession, custody, or control that they have agreed to produce, but have not yet produced, by June 9, 2017; and to serve any amended responses, as appropriate, to SourceAmerica's Requests for Production by June 9, 2017. (*Id.*, ¶ 5)

II. REQUESTED RELIEF

Magistrate Judge Andrew G. Schopler's Chambers Rules, Rule C.2, require that any motions to compel be brought within 30 days of the date the dispute first arose. (Nugent Decl., ¶ 6) Because Bona Fide and Lopez's first set of document production was provided to SourceAmerica on May 5, 2017, the deadline under Magistrate Judge Schopler's Chambers Rules for SourceAmerica to file a motion to compel further document production by Bona Fide and Lopez could be interpreted to occur on or about June 5, 2017. (*Id.*, ¶ 6)

To provide sufficient time for Bona Fide and Lopez to complete their document production; to serve any amended responses to SourceAmerica's requests for production of documents; and for the parties to meet and confer further, if appropriate, without the unnecessary consumption of the Court's and the parties' time and resources that would otherwise occur if SourceAmerica is required to file a motion to compel on or about June 5, 2017, the parties jointly move the Court to extend until and through June 19, 2017 SourceAmerica's deadline to file a motion to compel further document production, and amendment of responses to SourceAmerica's requests for production by Bona Fide and Lopez. (Nugent Decl., ¶ 7)

Therefore, for good cause, the Parties jointly move the Court to extend until and through June 19, 2017 the deadline for SourceAmerica to file a motion to compel further document production by Bona Fide and Lopez and service of any amended responses by Bona Fide and Lopez to SourceAmerica's requests for production of documents.

DATED: June 2, 2017

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DATED: June 2, 2017

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SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to all of the above named signatories, and that I obtained counsel's authorization to affix electronic signatures to this document.

DATED: June 2, 2017

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Counterclaimant SourceAmerica

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